

Sector #3



FOLEY, HOAG & ELIOT LLP

ONE POST OFFICE SQUARE
BOSTON, MASSACHUSETTS 02109-2170

TELEPHONE 617-832-1000

FACSIMILE 617-832-7000

www.fhe.com

1747 PENNSYLVANIA AVENUE, N.W.

SUITE 1200

WASHINGTON, D.C. 20006

TEL: 202-223-1200

FAX: 202-785-6687

Isabelle M. Clauss, Ph.D.
(617) 832-1177
IMC@he.com

August 31, 2000

Box Missing Parts
Assistant Commissioner
of Patents
Washington, DC 20231

Re: U.S. Patent Application Serial No.: 09/466,568
Entitled: *Regulated Transcription of Targeted Genes
and Other Biological Events*
By: Crabtree et al.
Filed: December 17, 1999
Attorney Docket No.: APV-316.16

Dear Sir:

Enclosed for filing in the above-referenced patent application please find the following:


1. Fee Transmittal;
2. Form PTO-1533;
3. Petition for Five-Month Extension of Time;
4. Preliminary Amendment;
5. Copy of Verified Statement Claiming Small Entity Status;
6. Checks in the amounts of \$410.00 and 925.00; and
7. Return mail room postcard.

The Commissioner is hereby authorized to charge any under-payments or credit any over-payments to our Deposit Account No. 06-1448.


Certificate of First Class Mailing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, DC 20231 on the date set forth below:

August 31, 2000
Date


C. Eugene Coker

Respectfully submitted,
FOLEY, HOAG & ELIOT LLP


Isabelle M. Clauss, Ph.D.
Reg. No. (see attached)
Attorney for Applicants

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#3

In re the application of: Crabtree et al.

Serial No.: 09/466,568

Filed: December 17, 1999

For: *Regulated Transcription of Targeted Genes and Other Biological Events*



Group Art Unit:

Examiner:

Atty Docket No.: APV-316.16

Box Missing Parts

Assistant Commissioner for Patents

Washington, DC 20231

Certificate of First Class Mailing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, DC 20231, on the date indicated below:

August 31, 2000

Date of Signature and Mail Deposit

By: _____

C. E. Coker

C. Eugene Coker

FEE CALCULATION SHEET/TRANSMITTAL OF RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Sir/Madam:

Transmitted herewith is a Response to the Notice to File Missing of Application which was mailed on February 1, 2000 in the above-referenced application. This Response includes Form PTO-1533, a Preliminary Amendment and a copy of a Verified Statement Claiming Small Entity Status of parent application Serial No. 09/466,568 of which this application is a continuation. Also enclosed are the checks listed below, and a Petition for a Five-Month Extension of Time.

The filing fee was calculated as follows:

	# FILED	# EXTRA	Rate	FEE	Rate (Sm. Entity)	FEE
BASIC FEE			\$690		\$345	\$345
TOTAL CLAIMS	19-20=	0	x \$18		x \$9	\$
INDEPENDENT CLAIMS	3-3=	0	x \$78		x \$39	\$
MULTIPLE DEPENDENT CLAIMS			\$260		\$130	\$
* NUMBER EXTRA MUST BE ZERO OR LARGER			TOTAL			\$345

[X] Checks for \$410.00 for the filing fee (\$345.00) and small entity surcharge (\$65.00) and \$925.00 for the Extension of Time, are enclosed.

[] The Commissioner is hereby authorized to charge \$.00 to our Deposit Account No. 06-1448 to cover the surcharge.

[X] Please charge any additional fees or credit any overpayments associated with this communication to our Deposit Account No. 06-1448.

Respectfully submitted,



Isabelle M. Clauss, Ph.D.
Reg. No. *(see attached)*
Attorney for Applicants

Patent Group
FOLEY, HOAG & ELIOT LLP
One Post Office Square
Boston, MA 02109
Telephone (617) 832-1000
Facsimile (617) 832-7000

Date: August 31, 2000



#3

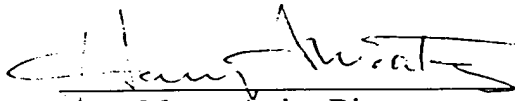
**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE
UNITED STATE PATENT AND TRADEMARK OFFICE**

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

Isabelle M. Clauss is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of the Foley, Hoag & Eliot, LLP. law firm to prepare and prosecute patent applications wherein the patent applicant is the client of the Foley, Hoag & Eliot, LLP. law firm, and the attorney or agent of record in the applications is a registered practitioner who is a member of the Foley, Hoag & Eliot, LLP. law firm. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Isabelle M. Clauss ceases to lawfully remain and reside in the United States, (ii) Isabelle M. Clauss' employment with the Foley, Hoag & Eliot, LLP. law firm ceases or is terminated, or (iii) Isabelle M. Clauss' current Employment Authorization card expires.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: February 28, 2001



Harry Moatz, Acting Director
Office of Enrollment and Discipline



#3

Applicant: Gerald R. Crabtree et al Docket No.: ARIAD 316D
Serial No.: —
Filed: Herewith
For: REGULATED TRANSCRIPTION OF TARGETED GENES AND OTHER BIOLOGICAL EVENTS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9 (f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am an official of ARIAD Gene Therapeutics, Inc., 26 Landsdowne Street, Cambridge, Massachusetts 02139.

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, on concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled REGULATED TRANSCRIPTION OF TARGETED GENES AND OTHER BIOLOGICAL EVENTS by inventor(s) Gerald R. Crabtree, Stuart L. Schreiber, David M. Spencer, Thomas J. Wandless and Peter Belshaw described in

☒ the specification filed herewith
☐ application serial no. _____, filed _____
☐ patent no. _____, issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e)

Name The Board of Trustees of the Leland Stanford Junior University
Address Stanford University, Stanford, California 94305
☐ Small Business Concern ☒ Nonprofit Organization

Name President and Fellows of Harvard College
Address 17 Quincy Street, Cambridge, Massachusetts 02138
☐ Small Business Concern ☒ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time or paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

Express Mail Label EF07523310.5 US
I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to the Comm. of Patents and Trademarks, Washington, DC 20231.

Signed Steven M. Leebman Date 2/14/95

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name Harvey I. Berger, M.D.
Title Chairman and Chief Executive Officer
Address ARIAD Gene Therapeutics, Inc., 26 Landsdowne Street, Cambridge, MA 02139
Signature Harvey Berger Date February 14, 1995



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
--------------------	---------------------	-----------------------	---------------------------

09/466,568

12/17/99

CPABTREE

G

APV-316.16

MATTHEW P. VINCENT
PATENT GROUP
FOLEY HOAG & ELIOT LLP
ONE POST OFFICE SQUARE
BOSTON MA 02109-21700242/0201
KSP to MP
4-1-00
9-1-00

NOT ASSIGNED

1646

DATE MAILED:

02/01/00

NOTICE TO FILE MISSING PARTS OF APPLICATION

Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ _____.

- ☐ 1. The statutory basic filing fee is:

- ☐ missing.
☐ insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. The following additional claims fees are due:

\$ _____ for _____ total claims over 20.

\$ _____ for _____ independent claims over 3.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☐ 3. The oath or declaration:

- ☐ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

- ☐ 9. OTHER: _____

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice **MUST** be returned with the reply.

Customer Service Center

Patent and Trademark Office

BEST AVAILABLE COPY

09466568
061448
00000030
2000 SLUANG1
380.00 OP
30.00 OP
35.00 CH
201
205